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LAW AND JUDICIARY DEPARTMENT,

Mantralaya, Bombay 400 012, dated the 28th February 1986.

CONSTITUTION OF INDIA

No. CHA 1084/(173)-VI.- In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all existing rules, orders or instruments made in this behalf, the Governor of Maharashtra is hereby pleased to make the following rules regulating recruitment to the posts of Charity Commissioner, Class-I, Joint Charity Commissioner, Class-I, Deputy Commissioner, Class-I and Assistant Charity Commissioner, Class-I, in the Charity Organisation of the Government of Maharashtra, namely :-

1. These rules may be called the Charity Commissioner, Joint Charity Commissioner, Deputy Charity Commissioner and Assistant Charity Commissioner (Recruitment) Rules, 1986.

2. In these rules, unless the context requires otherwise,-

(a) "Act" means the Bombay Public Trusts Act, 1950 (Bom.XXIX of 1950);

(b) "Commission" means the Maharashtra Public Service Commission;

(c) "Government" means the Government of Maharashtra;

(d) the terms "Charity Commissioner", "Joint Charity Commissioner," "Deputy Charity Commissioner" and "Assistant Charity Commissioner" shall carry the meanings respectively assigned to them in section 2 of the Act.

3. Subject to the provisions of section 4 of the Act, appointment to the post of Charity Commissioner shall be made either,-

(a) by transfer on deputation of a suitable Judicial Officer possessing the qualifications laid down in clauses (a) and (b) of section 4 of the Act; or

(b) by nomination from amongst candidates who are not less than 35 years of age and, unless already in the service of Government, are not more than 50 years of age :

Provided that, Government may, on the recommendation of the Commission, relax the maximum age limit upto 52 years in the case of a candidate possessing exceptional qualifications or experience or both.

4. Subject to the provisions of section 4 of the Act, appointment to the post of Joint Charity Commissioner shall be made either -

(a) by promotion of a suitable Class I Officer on the basis of selection from amongst the Officers holding the post of Deputy Charity Commissioner for a period not less than five years in the Charity Organisation of Government; or

(b) by transfer on deputation of a suitable Judicial Officer possessing the qualifications laid down in the proviso to clause (a) and clause (b) of section 4 of the Act; or

(c) by nomination from amongst candidates who are not less than 35 years of age and, unless already in the service of Government are not more than 50 years of age:

Provided that, Government may, on the recommendation of the Commission, relax the maximum age limit upto 52

years in the case of a candidate possessing exceptional qualifications or experience or both.

5. Subject to the provisions of section 5 of the Act, appointment to the post of Deputy Charity Commissioner shall be made either -

(a) by promotion, of a suitable Class-I Officer on the basis of selection from amongst the officers holding the post of Assistant Charity Commissioner in the Charity Organisation of Government for a period not less than five years; or

(b) by transfer on deputation of a suitable Judicial Officer possessing the qualifications laid down in sub-sections (1) and (2) of section 5 of the Act; or

(c) by nomination from amongst candidates who are not less than 25 years of age and, unless already in the service of Government are not more than 45 years of age :

Provided that, Government may, on the recommendation of the Commission, relax the maximum age limit upto 47 years in the case of a candidate possessing exceptional qualifications or experience or both.

6. Subject to provisions of section 5 of the Act, appointment to the post of Assistant Charity Commissioner shall be made either-

(a) by promotion, on the basis of seniority subject to fitness, from amongst the persons holding the post of Superintendent in the Charity Organisation of Government for a period not less than five years; or

(b) by transfer on deputation of a suitable Judicial Officer possessing the qualifications laid down in sub-section (2A) of section 5 of the Act; or

(c) by nomination from amongst candidates who are not less than 25 years of age and, unless already in the service of Government are not more than 40 years of age :

Provided that, Government may, on the recommendation of the Commission, relax the maximum age limit upto 42 years in the case of candidates possessing exceptional qualifications or experience or both.

7. A person appointed by nomination to any of the posts the recruitment to which is regulated by rules 3, 4, 5 and 6 shall be on probation for a period of two years.

8. A person appointed to any of the posts the recruitment to which is regulated by rules 3, 4, 5 and 6 whether by promotion, transfer or nomination shall be required to pass the examinations in Hindi and Marathi according to the rules made in that behalf, unless he has already passed or has been exempted from passing those examinations.

9. A person appointed to any of the posts the recruitment to which is regulated by rules 4, 5 and 6 whether by nomination, promotion or by transfer shall be liable to transfer anywhere in the State of Maharashtra.

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(B. V. Chavan)
Secretary to Government.